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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,090	07/21/2003	Shawn E. Edmondson	6186.4-1-1	6007
23559	7590	10/04/2004	EXAMINER	
MUNSCH, HARDT, KOPF & HARR, P.C. INTELLECTUAL PROPERTY DOCKET CLERK 1445 ROSS AVENUE, SUITE 4000 DALLAS, TX 75202-2790			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,090

Applicant(s)

EDMONDSON, SHAWN E.

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/21/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-24 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanada et al. (US 2002/0194317), hereinafter Kanada.

4. As to claim 1, Kanada discloses the invention as claimed, including a method comprising:

receiving a profile (i.e., policy-based network; page 1, [0010]; policy server, 103, fig. 1) specifying a quality of service (QoS) treatment for packets for at least one application in one or more packet networks (i.e., IP network, 100, fig. 1; page 1, [0038]) (i.e., policy rules; page 3, [0041]; 311-314, fig. 3a; Edge policy rules 311-314, fig. 3a applied to those packets originating from the IP address; page 4, [0055]); and

automatically generating configuration information for one or more network elements (i.e., routers, 101, 106, 111, 121, fig. 1; page 2, [0039]) of said one or more packet networks (i.e., IP network, 100, fig. 1; page 1, [0038]) for treatment of the packets for the at least one application according to said specified QoS treatment (i.e., policy server handles high-level policy rules, in the configuration of a network device, such as router, low-level policy rules are also used...a router uses policy rules in QoS control; page 3, [0042]; policy-controlled network system can provide network control functions that would be difficult to implement by human operators, such as changing a policy by a time of day or dynamically in response to a request from an application program; page 3, [0043], configuration of router; page 6, [0070]).

5. As to claims 2 and 3, Kanada discloses updating a configuration of said one or more network elements based at least in part on said configuration information (i.e., the first policy can be converted into at least a second policy and a third policy...the second policy and the third policy can be distributed within network to at least one network node (routers); page 2, [0039]; network configuration management, 212, fig. 6; page 5, [0063]).

6. As to claims 4 and 5, Kanada further discloses at least one traffic descriptor for said application based at least in part on said profile (i.e., traffic controller; 821, fig. 8; page 6, [0070]; specified traffic condition; page 6, [0075]).

7. As to claims 6, 7 and 9-11, Kanada discloses generating a generic access list for each of said at least one applications, each of said generic access lists comprising:

at least one clause comprising one or more network criteria (i.e., policy rules are condition-action type (e.g., if-then clause) rules; page 3, [0041]); and

at least one match rule specifying whether said one or more packets matching said one or more network criteria are to be permitted or denied (i.e., This specifies that the rule at address 300 is applied only to those packets with the DSCP of 18...a value greater than "0" can be specified when providing the upper limit of the bandwidth; page 8, [0096]; in the first policy pass, condition (b) should be satisfied; page 9, [0104]-[0107]).

8. As to claim 8, Kanada discloses network criteria is selected from the group consisting of a protocol, a source address (1321, 1322, 1341, 1342, fig. 13), a destination address (1324, 1325, 1344, 1345, fig. 13), a source port (1323, 1343, fig. 13), a destination port (1326, 1346, fig. 13), an Internet Protocol precedence value (i.e., determining priority; page 1, [0007]; page 8, [0096]) and an Internet Protocol type of service value (i.e., UDP, TCP; page 1, [0006]) (1315, 1316, fig. 13; page 7, [0085]; page 8, [0093]).

9. As to claims 12-14, Kanada discloses service plane selection is selected from the group consisting of a normal service plane, a low priority data service plane, a medium priority data service plane, a high priority data service plane, a reserved bandwidth

service plane, a video service plane, and a voice service plane (i.e., a policy to specify a method for classifying the flow based on the Basic Aggregate Classification, to specify a packet scheduling algorithm to be used when outputting a packet from a router to a line, and to specify a priority of an output queue and bandwidth for each queue; page 4, [0054]; packet transmission priority [0056]; through network reproduction of MPEG images or audio data, including multimedia data; page 2, [0038]).

10. As to claim 15, Kanada discloses automatically generating at least one Boolean expression for said profile (i.e., policy rules are condition-action type (e.g., if-then clause) rules; page 3, [0041]; any rule having a plurality of conditions that are coupled by a logical "OR" operator; page 11, [0119]).

11. As to claims 16, 20 and 21, Kanada discloses the profile comprises at least one combination rule (i.e., policy-based network; page 1, [0010]; policy server for establishing policies...conversion means convert at least one of a high-level policy into a plurality of low-level policies and a plurality of high-level policies into a low-level policy; page 1, [0012]).

12. As to claims 17-19, Kanada discloses the profile comprises at least one combination rule specifying that network traffic that meets a plurality of criteria be accepted or not accepted (i.e., a policy-controlled network system which allows a single high-level policy to be converted into a plurality of low-level policies that meet the

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constraints of the device; page 1, [0009]; flow can be determined as to whether or not it satisfies the specified traffic condition; page 6, [0075]; 1000 kbps can be specified...in-profile queue field 1349 specifies a queue for packets that satisfy the bandwidth specification; page 8, [0096]).

13. As to claim 22, Kanada discloses network criteria is selected from the group consisting of a protocol, a source address (1321, 1322, 1341, 1342, fig. 13), a destination address (1324, 1325, 1344, 1345, fig. 13), a source port (1323, 1343, fig. 13), a destination port (1326, 1346, fig. 13), an Internet Protocol precedence value (i.e., determining priority; page 1, [0007]; page 8, [0096]) and an Internet Protocol type of service value (i.e., UDP, TCP; page 1, [0006]) (1315, 1316, fig. 13; page 7, [0085]-

14. As to claim 23, it rejected for the same reasons set forth in claim 1 above. In addition, Kanada discloses generating a list of applications (i.e., policy server handles high-level policy rules, in the configuration of a network device, such as router, low-level policy rules are also used...a router uses policy rules in QoS control; page 3, [0042]; policy-controlled network system can provide network control functions that would be difficult to implement by human operators, such as changing a policy by a time of day or dynamically in response to a request from an application program; page 3, [0043], configuration of router; page 6, [0070]) and a list of service plans in a matrix configuration (i.e., condition-action type (e.g., if-then) rules; page 3, [0041]; fig. 3; page 4, [0055], [0056]), and enabling selection of a service plane from said list of service



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planes, each of said service planes specifying a quality of service treatment for packets for at least one application in one or more packet networks (i.e., a policy to specify a method for classifying the flow based on the Basic Aggregate Classification, to specify a packet scheduling algorithm to be used when outputting a packet from a router to a line, and to specify a priority of an output queue and bandwidth for each queue; page 4, [0054]; packet transmission priority [0056]).

15. As to claim 24, it rejected for the same reasons set forth in claim 1 above. In addition, Kanada discloses a computer readable storage medium storing instruction when executed by a computer (i.e., policy server 103, fig. 1 can be implemented on a general-purpose computer, such as PC or a computer workstation...policy server 103, fig. 1 can be both implemented by means of software; page 4, [0053]).

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Banginwar, patent 6,611,863, Levy et al, Pub. No. 2003/019703, Edmondson, Pub. No. 2004/0117613, Barbas et al, patent 6,169,748, Natarajan et al, patent 6,769,024 disclose policy manager for automatically generating configuration for the routers in the network.

17. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWC  
September 30, 2004

 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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